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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 09/359,975 |
| | Filing Date | July 23, 1999 |
| | First Named Inventor | David B. Weiner |
| | Group Art Unit | 1636 |
| | Examiner Name | D. Guzo |
| Total Number of Pages in This Submission | Attorney Docket Number | UPAP0002-100 (F-983) |

| ENCLOSURES (check all that apply) | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO/SB/08a and PTO/SB/08b (2 pp.); (3) References Cited and Copies of (3) Cited References Enclosed; Partial European Search Report Dated January 17, 2005 for EP Application No. 04 07 5092. |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--------------------------------------|
| Firm or Individual name | Mark DeLuca, Registration No. 33,229 |
| Signature | |
| Date | 3.18.05 |

| CERTIFICATE OF MAILING | | | |
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| Typed or printed name | Mark DeLuca, Registration No. 33,229 | | |
| Signature | | Date | 3.18.05 |

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UPAP0002-100 (F-983)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: **David B. Weiner et al.**

Serial No.: **09/359,975**

Group Art Unit: **1636**

Filing Date: **July 23, 1999**

Examiner: **D. Guzo**

For: **Compositions And Methods For Delivery Of Genetic Material**

I certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA, 22313-1450.

On March 18, 2005

Mark DeLuca, Registration No. 33,229

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56 and in accordance with 37 C.F.R. §§ 1.97 and 1.98, information relating to the above-identified application is hereby disclosed, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO Forms SB/08a and SB/08b, formerly known as PTO Form 1449 submitted herewith.

Inclusion of the information submitted herewith is not to be construed as an admission that the information is material as that term is defined in 37 C.F.R. § 1.56(b).

In accordance with 37 C.F.R. § 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made.

This Supplemental Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of the patent application.
- ☐ within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 of the international application.
- ☐ **before** the mailing date of a first Office Action on the merits.

- ☒ **after** the mailing date of a first Office Action on the merits, but before the mailing date of a Final Office Action under 37 C.F.R. § 1.116 or a Notice of Allowance under 37 C.F.R. § 1.311, and accordingly is accompanied by:
- ☒ the Statement under 37 C.F.R. § 1.97(e) (see "Statement" below);
- or**
- ☐ the Fee of \$180.00 set forth in 37 C.F.R. § 1.17(p); or
- ☐ No fee is owed by the applicant(s).
- ☐ In accordance with 37 C.F.R. § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, and accordingly is accompanied by the Statement under 37 C.F.R. § 1.97(e) (see "Statement" below) and the fee of \$180.00 as set forth in 37 C.F.R. § 1.17(p), is attached.
- ☐ **after** the mailing date of a Final Office Action under 37 C.F.R. § 1.116 or a Notice of Allowance under 37 C.F.R. § 1.311, but before the payment of the Issue Fee, and accordingly is accompanied by the Statement under 37 C.F.R. § 1.97(e), (see "Statement," and "Fees" below).
- ☒ Copies of the references listed on the attached PTO Form SB/08a and PTO Form SB/08b, formerly known as PTO Form 1449, are enclosed. Also enclosed is a copy of the Partial European Search Report Dated January 17, 2005 for Application No: EP 04 07 5092.

EXCEPT THAT:

- ☐ In view of the voluminous nature of reference @@@, and the likelihood that this reference is available to the Examiner, copies are not enclosed herewith.
- ☐ In accordance with 37 C.F.R. § 1.98(d), copies of the following references listed on the attached PTO Form SB/08A and PTO Form SB/08B, formerly known as PTO Form 1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Statement under 37 C.F.R. § 1.97(e)

- ☒ The undersigned attorney hereby states that each item information contained in the Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Supplemental Information Disclosure Statement; or that no item of information contained in the Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Supplemental Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Supplemental Information Disclosure Statement.

Fees

- ☒ No Fee is owed by the applicant(s).
- ☐ The Information Disclosure Statement Fee of \$180.00 under 37 C.F.R. § 1.17(p) is enclosed herewith.

Method of Payment of Fees

- ☐ Attached is a check in the amount of \$_____. This form is submitted in duplicate.
- ☐ Charge Deposit Account No. 50-1275 in the amount of \$180.00. This form is submitted in duplicate.
- ☒ Please charge any deficiency or credit any overpayment to Deposit Account 50-1275.
- ☐ No fee or Statement is required under 37 C.F.R. § 1.97(b).

Respectfully submitted,



Mark DeLuca

Registration No. 33,229

Dated: March 18, 2005
COZEN O'CONNOR, P.C.
1900 Market Street, 5th Floor
Philadelphia, PA 19103-3508
(215) 665-2000 – Telephone
(215) 701-2013 - Facsimile

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Substitute for form 1449A/PTO

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(Use as many sheets as necessary)

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| Sheet | 1 | of | 2 |
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Complete if Known

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|-------------------------------|----------------------|
| <i>Application Number</i> | 09/359,975 |
| <i>Filing Date</i> | July 23, 1999 |
| <i>First Named Inventor</i> | David B. Weiner |
| <i>Art Unit</i> | 1636 |
| <i>Examiner Name</i> | D. Guzo |
| <i>Attorney Docket Number</i> | UPAP0002-100 (F-983) |

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

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**Examiner
Signature**

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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